

## UNITED STATES DISTRICT COURT

United States District Court  
Southern District of Texas  
FILEDfor the  
Southern District of Texas

JUN 08 2019

David J. Bradley, Clerk

United States of America

v.

Jose Luis GUERRA, Jr.

COB: US

YOB: 1979

Case No.

M-19-1332-M

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 06/07/2019 in the county of Hidalgo in the Southern District of Texas, the defendant violated 21 U. S. C. § 952 / 841, an offense described as follows:

Knowingly and intentionally illegally import into the United States approximately 612.7 grams of Oxycodona (oxycodone hydrochloride) a Schedule II Controlled Substance.

Knowingly and intentionally import with the intent to distribute approximately 612.7 grams of Oxycodona (oxycodone hydrochloride) a Schedule II controlled substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet./s/ Javier SalinasComplainant's signatureJavier Salinas, HSI Special AgentPrinted name and title

Sworn to and executed by reliable electronic means, sworn to and attested telephonically per FED.R.CR.4.1, and probable cause found on:

Date: 06/08/2019 1:44 amCity and state: McAllen, TexasJudge's signatureJudge Hacker, U.S. Magistrate JudgePrinted name and title

## ATTACHMENT A

I am a Special Agent (SA) of the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On May 7, 2019, Jose Luis GUERRA, Jr. entered the United States on foot through the Progreso, Texas Port of Entry.
2. At the Progreso Port of Entry, GUERRA gave negative declarations for weapons, ammunition and monetary instruments in excess of \$10,000 to Customs and Border Protection (CBP) officers. GUERRA declared small amounts of personal medication and no further narcotics.
3. GUERRA stated he travelled to Mexico from Mission to shop and GUERRA declared he is a United States citizen.
4. GUERRA placed his bag on the counter for inspection where a CBP officer visually inspected 2 boxes of cookies belonging to GUERRA. The CBP Officer noticed a box to be heavier than normal. GUERRA was then asked to open the box where the CBP Officer observed cookies along with several rows of packaged medication contrary to his initial declaration.
5. GUERRA was referred for a secondary inspection. During the secondary inspection, medication labeled Oxycodone (oxycodone) were found concealed within boxes of cookies that GUERRA had in his possession upon crossing from Mexico into the United States.
6. Further inspection resulted in the discovery of a total of 3,000 dosage units of Oxycodone (oxycodone).
7. GUERRA was then detained for further investigation. HSI SAs then advised GUERRA of his Miranda warnings in the English language, which he stated he understood and waived in writing.
8. HSI SAs discovered GUERRA had negotiated a purchase several months ago of a large amount of Oxycodone in Progreso, Mexico prior to coming into the United States. GUERRA stated the agreement was to purchase Oxycodone for \$75 USD per pack. GUERRA advised the agreement made roughly one week ago was for the purchase of 100 packs at \$75 USD per pack, totaling \$7,500 USD for 100 packs at \$75 USD per pack. On today's date (6/7/19) GUERRA took \$7,500 cash USD to Progreso, Mexico, paid to a third party for the 100 packs of Oxycodone. While in Mexico, GUERRA purchased boxes of cookies and then travelled to a local pharmacy where the packs of Oxycodone were placed inside the cookie boxes in the pharmacy. GUERRA then walked on foot to the Progreso Port of Entry where he met with a CBP Officer for primary inspection. GUERRA then attempted to clandestinely import the Oxycodone from Mexico into the United States through the Progreso Port of Entry. GUERRA admitted that he imported the Oxycodone into the United States and that he was in possession of the Oxycodone.
9. GUERRA advised he was going to distribute the Oxycodone for profit in the United States after the illegal importation from Mexico.
10. GUERRA does not possess licenses, prescriptions, or a DEA registration number authorizing him to possess or import the concealed narcotics.
11. GUERRA admitted he was in possession and intended to distribute 612.7 grams of Oxycodone from Mexico into the United States to HSI Special Agents.